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SUBJECT: AFRICANS TO PUSH FOR ARMS TRADE TREATY

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Summary  
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¶1. Representatives from 20 African governments attended a conference in Nairobi September 3-4 to discuss the need for an international arms trade treaty. While acknowledging the need for implementation of a number of existing regional agreements, participants broadly agreed that an international treaty should be discussed as a priority during the October meeting of the UN General Assembly First Committee. End Summary.

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Untamed Arms Trade Bad for Africa  
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¶2. On September 3, Kenya hosted representatives from 20 African governments as well as other representatives from regional organizations and civil society to discuss international arms transfers and the need for an Arms Trade Treaty. Three UK-based organizations (Oxfam UK, Saferworld, and IANSA) organized the conference. Government representatives included: Algeria, Burundi, Djibouti, DRC, Eritrea, Ethiopia, Kenya, Malawi, Mali, Mozambique, Namibia, Nigeria, Rwanda, Senegal, Somalia, South Africa, Tanzania, Togo, Uganda, and Zambia. Regional organization representatives included: the African Union, Arab League, East African Community, Economic Community of West African States, Regional Centre on Small Arms, and the Southern African Regional Police Chiefs Cooperation Organization.

¶3. Kenya's Assistant Minister of Foreign Affairs Richard Onyonka delivered the keynote speech and emphasized the negative impact armed violence had on the African continent and how greater efforts must be made to control the flow of arms into Africa. He noted that 95 percent of the arms in Africa were manufactured in foreign countries and said that "ineffective controls over unscrupulous arms brokers and irresponsible decisions geared more toward national interests rather than international or regional security result in weapons being sent directly to or being diverted to unauthorized end-users."

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Time for an Arms Trade Treaty  
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¶4. Participants at the conference favored an international arms trade treaty and resolved to recommend to the UN General Assembly's First Committee that the matter be taken up as a

matter of urgency in October. There are a number of agreements in Africa that already attempt to stem the flow of illegal small arms, and conference participants agreed that those agreements contain many of the elements that could inform a global treaty.

15. Daniel Prins, the Chief of the Conventional Weapons Branch at the UN Office of Disarmament Affairs, added his support for an arms trade treaty. He told the media that a treaty is needed because many countries that are importing and exporting weapons have no framework of rules under which they operate, and that there are now over 100 countries that produce arms. There are an estimated 650 million guns in circulation around the world, and another eight million are added each year, Prins said. He also noted that that two years ago, 153 states voted in favor of an arms trade treaty, 24 states abstained, and the U.S. voted against the treaty, citing already existing strict national rules for arms exports by major arms trading countries.

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Suggested Treaty Provisions  
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16. In their final statement, participants agreed that an arms trade treaty should:

-- prevent arms transfers where there is a clear likelihood that they may be used to commit serious violations of

NAIROBI 00002247 002.2 OF 002

international human rights law or international humanitarian law, or to undermine peace, security and socio-economic development;

-- take fully into account the recipient's record of compliance with its commitments in the areas of non-proliferation, arms and munitions control and disarmament;

-- take into account the recipient's capacity to ensure the integrity and security of the arms received;

-- draw from existing instruments, including those in Africa that aim to regulate arms transfers;

-- include as a criterion for arms transfers the risk of diversion to unauthorised persons including non-state actors or possible use for harmful purposes. In this regard, end-users and/or end-use assurances should play an important role;

-- include sanctions for continued end-user violations;

-- have a broad scope, encompassing all conventional weapons, including small arms and light weapons and their ammunition, components of weapons, dual-use equipment and equipment with a military end-use, and arms production equipment and technology. The scope should further include landmines and other conventional weapons already covered by international weapon-specific agreements, and technical support and operational training for the use of the above items; and

-- encompass all transfers of weapons including imports, exports, re-exports, transit and transshipment, brokering and related activities, licenses or agreements for foreign arms production, gifts, loans and leasing, Government to Government transfers, and those between their agents and the transfer of title of any items.

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Treaty Monitoring  
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¶7. Participants also agreed that in order to ensure effective monitoring and verification of arms transfers, an international arms trade treaty should require:

-- regular annual reporting on transfers by states to a UN registry;

-- transparency through inter alia regular reporting of states to the UN register;

-- transparency at the national level;

-- greater focus on the exchange of information by law-enforcement agencies; and

-- dedicated institutional capacity at the national level to ensure the fulfilment of substantive reporting and information exchange provisions under an arms trade treaty; and

¶8. Finally, participants agreed that the treaty should make provisions for international cooperation and assistance to ensure developing states acquire the capacity to implement the treaty provisions at the national level. This, they said, could include both financial and technical assistance for such states in the establishment, implementation and enforcement of national control systems.

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